

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>GREGORIO GARCIA,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL NO. 5:06-CR-74(MTT)</b>
	)	<b>CIVIL NO. 5:11-CV-92(MTT)</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**ORDER**

Before the Court is the Magistrate Judge's Recommendation (Doc. 113) on the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 107) pursuant to 28 U.S.C. § 2255. The Magistrate Judge recommends denying the Petitioner's motion because the record indicates the Petitioner knowingly and voluntarily entered his guilty plea. The Magistrate Judge additionally recommends the Court deny the Petitioner a certificate of appealability because he has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The Petitioner did not object to the Magistrate Judge's recommendations.

The Court has reviewed the record in this case. The Court has also reviewed the Petitioner's Motion and the Magistrate Judge's Recommendation. The Recommendation is adopted, and the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is **DENIED**. Further, the petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Therefore, a certificate of appealability is also **DENIED**.

**SO ORDERED**, this 9th day of October, 2012.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT